

# Sumter City-County Board of Appeals

October 13, 2010

BOA-10-29, 414 E. Charlotte St. / 11 Carrol Dr. (City)

## **I. THE REQUEST**

**Applicants:** Prudential John M. Brabham Real Estate / Frank Edwards

**Status of the Applicants:** Real Estate Agent, Representative of Owner

**Request:** A variance from Article 3 Section 3.b.5 Development Standards for R-9 zoning district in order to divide a parcel.

**Location:** 414 E. Charlotte St. / 11 Carrol Dr.

**Present Use/Zoning:** Residence / R-9

**Tax Map Reference:** 249-01-04-056

## **II. BACKGROUND**

The applicant is requesting a variance for the rear setback requirements as well as the minimum lot size specifications for the R-9 zoning district so that the parcel can be subdivided into two parcels. There are currently two homes on the parcel, and the tax bill for the property is being divided between two parties at this time. In order to reduce confusion and create clear titles to both properties, it is necessary that they be divided.

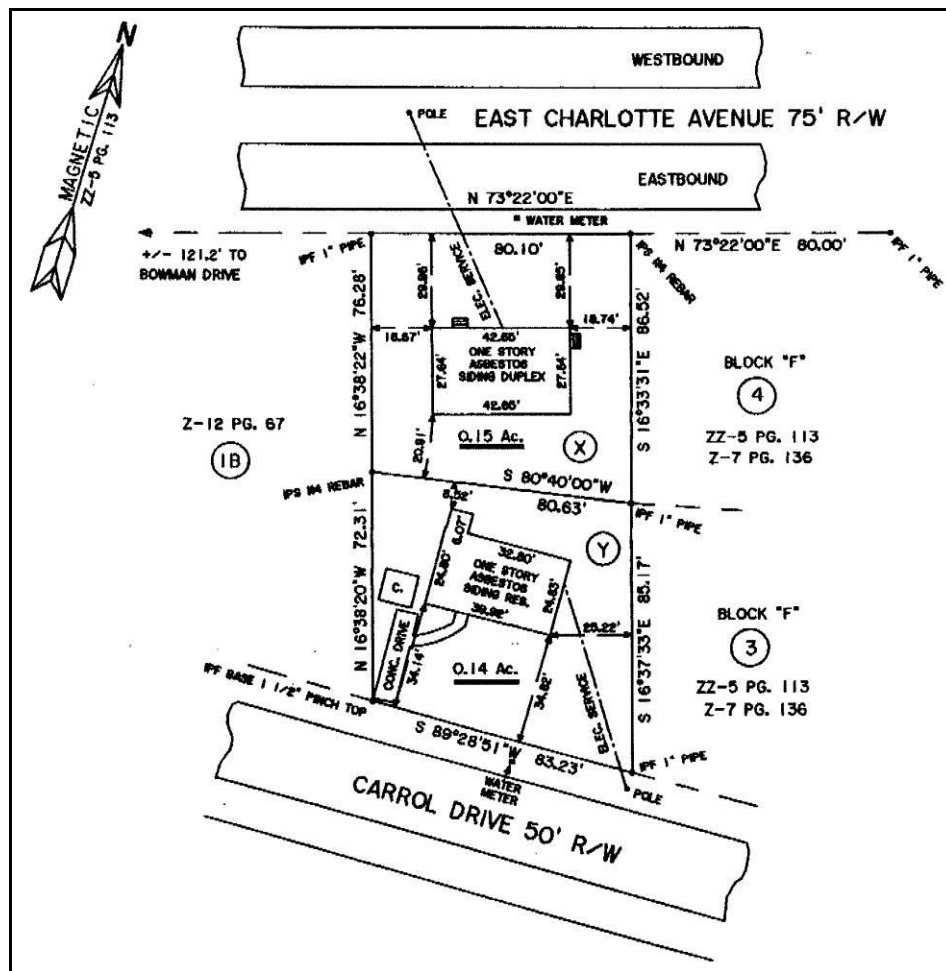
***Right:*** Aerial view of parcel and layout of existing homes.





View of home at 11 Carrol Dr. (above left) and 414 E. Charlotte St.(above right).

The Sumter City Zoning Ordinance, Article 3 Section 3.b.5 requires a minimum of 25 feet for the rear setback. Furthermore, the ordinance requires that parcels in the R-9 district have a minimum lot size of 9000 square feet (0.206 acres), with a minimum lot width of 75feet and a minimum lot depth of 100 feet. The proposed parcels in question will have the following dimensions:



The proposed parcel facing East Charlotte St. will be +/- 0.15 acres (6534 sq. ft.) in size with a rear setback of +/- 20.91 feet. Therefore the applicant is requesting a variance of +/- 0.05 acres (2466 sq. ft.) from the minimum lot size requirement, and 5 feet from the minimum rear setback. The proposed parcel facing Carrol Drive will be +/- 0.14 acres (6098 sq. ft.) in size with a rear setback of +/- 8.52 feet. The applicant is requesting a variance of +/- 0.06 acres (2902 sq. ft.) from the minimum lot size requirement, and 17 feet from the minimum rear setback for this property.

### **III. FOUR-PART TEST**

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

This parcel is in an older, established neighborhood. Current ordinance standards do not allow development of two homes on one residential parcel. This would give each house its own lot and bring them into more conformity with the ordinance as far as number of dwellings per parcel.

- 2. *These conditions do not generally apply to other property in the vicinity.***

This parcel has two homes on it, and the adjacent properties appear to have one home per parcel. Therefore the conditions of this property are unique in this area.

- 3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Application of the ordinance does limit the utilization of this property. Without this variance, the property owners cannot subdivide the property and obtain clear titles to the individual parcels.

- 4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. As stated before, this is an established neighborhood and the division of this property will not affect the surrounding homes at all.

### **IV. STAFF RECOMMENDATION**

Staff recommends approval of BOA-10-29. The applicant has no alternative for subdividing the property other than to seek a variance.

### **V. DRAFT MOTIONS for BOA-10-29**

- A.** I move that the Zoning Board of Appeals approve BOA-10-29, subject to the findings of fact and conclusions attached as Exhibit I.
- B.** I move that the Zoning Board of Appeals deny BOA-10-29 subject to the following findings of fact and conclusions.
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-29.

### **VI. ZONING BOARD OF APPEALS – October 13, 2010**

The Sumter City-County Board of Appeals at its meeting on Wednesday, October 13, 2010, voted to approve this request subject to the findings of fact and conclusions on exhibit 1.

**Exhibit 1**  
**Order on Variance Application**  
**Sumter Board of Appeals**

**BOA-10-29, Prudential John M. Brabham RE**  
**414 E. Charlotte St. / 11 Carrol Dr.**  
**October 13, 2010**

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Date Filed: October 13, 2010

Permit Case No. BOA-10-29

The Sumter Board of Appeals held a public hearing on Wednesday, October 13, 2010 to consider the appeal of Prudential John M. Brabham Real Estate, 414 E. Charlotte St. / 11 Carrol Dr., Sumter, SC for a variance from the strict application of the City Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

This parcel is in an older, established neighborhood. Current Zoning Ordinance standards do not allow development of two homes on one residential parcel. This would give each house its own lot and bring them into more conformity with the ordinance as far as number of dwellings per parcel.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

This parcel has two homes on it, and the adjacent properties appear to have one home per parcel. Therefore the conditions of this property are unique in this area.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the Zoning Ordinance does limit the utilization of this property. Without this variance, the property owners cannot subdivide the property and obtain clear titles to the individual parcels.

4. The Board concludes that authorization of the variance ☐ **will** – ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** – ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance will not substantially impact adjacent properties or the public good, or harm the character of the district. As stated before, this is an established neighborhood and the division of this property will not affect the surrounding homes at all. The authorization of a variance will allow the property to be divided in the best method available for the applicant.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** – ☒ **GRANTED**,  
**subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**